

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
EASTERN DIVISION**

NELLIE BROWNLEE, ET AL. PLAINTIFFS

VS. CAUSE NO. 2:99CV00212 GH

COOPER TIRE & RUBBER COMPANY DEFENDANT

DONALD W. WHITAKER PLAINTIFF

VS. CAUSE NO. 2:99CV00220 GH

COOPER TIRE & RUBBER COMPANY DEFENDANT

VS.

ESTATE OF SCHARLOTTE A. HERVEY THIRD-PARTY DEFENDANT

MOTION FOR SANCTIONS

NOW INTO COURT, through undersigned counsel, comes Cooper Tire & Rubber Company ("Cooper Tire"), and respectfully requests that, for the reasons contained in the attached memorandum in support, this Court enter an order finding that co-counsel for plaintiffs in the captioned matter, Bruce V. Kaster ("Kaster"), violated prior Orders of this court and holding Kaster in contempt of court for failing to honor this Court's explicit Seal Orders, which were subsequently adopted by the United States District Court for the Northern District of Mississippi, Western Division, in the matter entitled *Cooper Tire & Rubber Co. v. John Booth Farese, et al.*, 3:02cv210-P-A. (the "Mississippi Case").

Cooper Tire respectfully requests an Order of this Court declaring that co-counsel for plaintiffs, Bruce V. Kaster, willfully violated this Court's prior Orders by failing to file documents under seal in the Mississippi litigation, holding Kaster in contempt of Court, and awarding

appropriate sanctions for Kaster's violation of this Court's express orders. Cooper Tire respectfully submits that sanctions should include all costs and attorneys' fees associated with this motion and Cooper Tire's additional efforts undertaken in the Mississippi Court and Fifth Circuit Court of Appeals to enforce compliance with this Court's Orders.

/s/Michael P. Vanderford, Bar No. 93086

E-mail: vanderford@amhfirm.net

ANDERSON, MURPHY & HOPKINS, L.L.P.

400 West Capitol Avenue, Suite 2470

Little Rock, Arkansas 72201

(501)372-1887

Attorney for Cooper Tire & Rubber Co.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document has been served upon:

Guthrie T. Abbott
Attorney at Law
2335 St. Andrews Circle
Oxford, MS 38655

Roy D. Campbell, III
Bradley Arant Rose & White, LLP
PO Box 1789
Jackson, MS 39215-1789

Ralph E. Chapman
Chapman, Lewis & Swan
PO Box 428
Clarksdale, MS 38614-0428

Randall A. Smith
Smith & Fawer, LLC
201 S. Charles Ave., Suite 3702
New Orleans, LA 70170

Grady F. Tollison, Jr.
Tollison Law Firm, PA
PO Box 1216
Oxford, MS 38655-1216

Paul V. Cassisa, Jr.
Bernard, Cassisa & Elliott
PO Box 1138
Oxford, MS 38655

Hiawatha Northington
Northington Chambers & Gaylor, PLLC
PO Box 1003
Jackson, MS 39215-1003

Frank S. Thackston, Jr.
Lake Tindall, LLP
PO Box 918
Greenville, MS 38702-0918

Jess L. Askew, III
Williams & Anderson, PLLC
111 Center Street, Suite 2200
Little Rock, AR 72201-2413

John Paul Byrd
Hare, Wynn, Newell & Newton
LR Metropolitan National Plaza
4220 N. Rodney Parham, Suite 250
Little Rock, AR 72212

Kirkman T. Dougherty
Hardin, Jesson & Terry
PO Box 10127
Fort Smith, AR 72903-0127

Brian Stacy Miller
Martin, Tate, Morrow & Marston, PC
6410 Poplar Ave., Suite 1000
Memphis, TN 38119

Elliott Dion Wilson
Wilson Law Firm, PA
Wilson, Valley & Etherly Office Building
423 Rightor Street, Suite 1
Helena, AR 72342

David A. Dial
Weinberg, Wheeler, Hudgins,
Gunn & Dial
Atlanta Plaza
950 East Paces Ferry Rd., Suite 3000
Atlanta, GA 30326

W. Wray Eckl
Drew, Eckl & Farnham
PO Box 7660
Atlanta, GA 30357-7600

Parker Sanders Huckabee
Huckabee Law Firm
PO Box 1323
Cabot, AR 72023-1323

Bruce R. Kaster
Bruce R. Kaster, PA
PO Box 100
Ocala, FL 34478-0100

Nancy A. Noall
Walter & Haverfield, LLP
Terminal Tower
50 Public Square, Suite 1300
Cleveland, OH 44113-2253

James F. Swindoll
Law Offices of James F. Swindoll
212 Center Street, Suite 300
Little Rock, AR 72202

by first class mail this 6th day of February, 2007.

/s/Michael P. Vanderford, Bar No. 93086
E-mail: vanderford@amhfirm.net
ANDERSON, MURPHY & HOPKINS, L.L.P.
400 West Capitol Avenue, Suite 2470
Little Rock, Arkansas 72201
(501)372-1887
Attorney for Cooper Tire & Rubber Co.